

1 McGREGOR W. SCOTT
United States Attorney
2 BOBBIE J. MONTOYA
Assistant U. S. Attorney
3 501 I Street, Suite 10-100
Sacramento, California 95814-2322
4 Telephone: (916) 554-2700

5 Attorneys for Defendant

6 IN THE UNITED STATES DISTRICT COURT
7 FOR THE EASTERN DISTRICT OF CALIFORNIA

8 YENG YANG,

9 Plaintiff,

10 v.

11 JO ANNE B. BARNHART,
12 Commissioner of
Social Security,

13 Defendant.
14

CASE NO. **2:04-CV-01887-DAD**

STIPULATION REMANDING THE
CASE AND DIRECTING THE CLERK
TO ENTER JUDGMENT; ORDER

15 IT IS HEREBY STIPULATED by the parties, through their undersigned attorneys,
16 and with the approval of the Court as provided below, that the Commissioner has agreed to a
17 voluntary remand of this case pursuant to sentence four of 42 U.S.C. § 405(g) for further
18 proceedings. On remand, the ALJ will be directed to identify whether the proper Comparison
19 Point Decision was in 1989, as indicated in the current ALJ decision, or if that decision was
20 superceded by a subsequent decision. The ALJ will also develop the record by seeking any
21 records relating to any further continuing disability review. The ALJ will also revisit the
22 Plaintiff's residual functional capacity and whether she experienced medical improvement in light
23 of all record medical evidence.

24 It is further stipulated that the Clerk shall enter a separate judgment, as provided for
25 under Rules 58 and 79(a) of the Federal Rules of Civil Procedure, pursuant to Shalala v.
26 Schaefer, 509 U.S. 292, 113 S. Ct. 2625 (1993).

27 The parties further stipulate that counsel for Plaintiff will provide a facsimile of this
28 stipulation bearing counsel's signature for retention in Defendant's case file, and hereby

authorizes counsel for Defendant to file this document in .pdf format under the latter's Electronic Case Filing password, pursuant to Local Rule 7-131.

DATED: July 13, 2005

/s/ Jesse S. Kaplan

JESSE S. KAPLAN

Attorney at Law

Attorney for Plaintiff

DATED: July 15, 2005

McGREGOR W. SCOTT

United States Attorney

By: /s/ Bobbie J. Montoya

BOBBIE J. MONTOKA

Assistant U. S. Attorney

Attorneys for Defendant

OF COUNSEL:

LUCILLE GONZALES MEIS
Chief Counsel, Region IX

PETER K. THOMPSON
Assistant Regional Counsel

United States Social
Security Administration

_____ o0o _____

ORDER

This case is hereby remanded pursuant to sentence four of 42 U.S.C. 405(g) for further proceedings consistent with the stipulation of the parties. The prior administrative decision is vacated and the Clerk of the Court is directed to enter Judgment.

SO ORDERED.

DATED: July 20, 2005.

Dale A. Drozd

DALE A. DROZD

UNITED STATES MAGISTRATE JUDGE

Dad1/orders.socsec/young1887.stipord

RE: YENG YANG v. JO ANNE B. BARNHART, Case No. 2:04-CV-01887- DAD, STIPULATION AND ORDER STIPULATION REMANDING THE CASE AND DIRECTING THE CLERK TO ENTER JUDGMENT; [proposed] ORDER